

## **BILL ANALYSIS**

Senate Research Center

S.B. 799  
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Jurisprudence  
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As Filed

### **DIGEST**

Currently, a jury verdict for managing conservatorship does not tell the court where the child will live. This leaves the situation in which a jury renders a verdict for joint managing conservatorship, but the court can decide who will determine the primary residence of the child. Thus, a court may render a decision which thwarts the will of the jury. S.B. 799 establishes that the jury will decide who has conservatorship or primary residency of the child.

### **PURPOSE**

As proposed, S.B. 799 establishes that the jury in suits affecting the child -parent relationship will decide who has conservatorship or primary residency of the child.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 105.002, Family Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Sets forth the issues that a jury is to decide upon and that a party is entitled to in a jury trial. Provides that a party is not entitled to a jury verdict. Authorizes the court to submit to the jury, an issue described by Subdivision (2). Deletes a provision prohibiting a court from rendering certain orders.

(d) Prohibits the court from contravening a jury verdict on an issue submitted under Subsection (c)(1). Provides that a jury verdict under Subsection (c)(3) is advisory only.

SECTION 2. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 3. Emergency clause.